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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,455	02/10/2005	Eberhard Perplies	2002DE430	8656

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Klaus Schweitzer
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425 C South Sharon Amity Road
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EXAMINER

BLAND, LAYLA D

ART UNIT	PAPER NUMBER
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1623

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08/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

This office action is in response to Applicant's proposed amendment and response after FINAL filed on August 15, 2008.

The proposed amendment will not be entered for the following reasons:

Applicant's proposed amendment adds three new claims 13-15 and cancels only one claim, 5.

Applicant's proposed amendment introduces new issues for consideration. New limitations regarding comminuting, milling, and drying the cellulose ether composition to react the acid groups and aldehyde groups of the chemical compounds with the OH groups of the cellulose ethers are new method steps which were not previously considered.

Furthermore, the specification as filed does not provide support for the new limitation "solvation delay... ranges from a few seconds up to a plurality of hours." The specification, page 2, states that it would be desirable for some applications to have a solvation delay up to a plurality of hours, but the examples given in the specification specifically exemplifies solvation delays of only 4.5 and 5 minutes. Thus, the specification does not provide support for solvation delays up to a plurality of hours.

All rejections of record in the Final Office Action dated May 22, 2008 are maintained in view of the proposed amendment After Final not entered.

Applicant's remarks/arguments filed August 15, 2008 after FINAL regarding the prior art rejection of record have been fully considered but are not found to be persuasive.

Applicant argues that Menkart does not teach a method wherein the cellulose ether is not dissolved in the organic suspension medium. In Example 6 [column 7], Menkart describes a "suspension" containing methyl cellulose in denatured ethanol. Menkart also describes a "suspension" containing hydroxyethylcellulose in methanol [column 7, Example 7]. Menkart also teaches that the reaction can be carried out in an organic solvent which is a non-solvent for the cellulose derivative, or hot water can be used for those derivatives which are soluble in aqueous alkali only [column 3, lines 14-34].

Applicant argues that Menkart fails to teach methods in which the cellulose ether is moistened with 10-80% water or 30-60% organic suspension medium. Menkart teaches a solid containing about 20-80 percent of an adsorbed solution, as set forth in the previous office action.

Applicant's arguments regarding the Herron reference are substantially the same as those addressed in the previous office action.

Applicant argues that crosslinking of cellulose ethers is not comparable to the crosslinking of cellulose because cellulose ethers have fewer free hydroxyl groups. This is not found to be persuasive because, although there may be fewer free hydroxyl groups to react, those which are present would be expected to react in a similar way.

For these reasons, the prior art rejection of record is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAYLA BLAND whose telephone number is (571)272-9572. The examiner can normally be reached on Tuesday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anna Jiang can be reached on (571) 272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shaojia Anna Jiang, Ph.D./
Supervisory Patent Examiner, Art Unit 1623

/Layla Bland/
Examiner, Art Unit 1623